

## REMARKS

Claims 1-20 and 34-38 are pending in this application. Claims 1-20 and 33-38 are amended herein for clarity to more particularly define the invention. New claims 39-41 are added herein. Support for these amendments and new claims is found in the language of the original claims and throughout the specification, as set forth below. It is believed that no new matter is added by these amendments and new claims and their entry and consideration are respectfully requested. In light of these amendments, the new claims and the following remarks, applicants respectfully request reconsideration of this application and allowance of the pending claims to issue.

### **I. Rejections under 35 U.S.C. § 112, second paragraph**

The Office Action states that claims 1-20 and 34-38 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Reconsideration is respectfully requested in view of the amendments provided herein and the remarks below.

**A.** The Office Action states that claims 1-20 and 34-38 are indefinite due to the recitation of "employ" in claim 1, step (f) and claim 2, step (l). Specifically, the Office Action states that "employ" is not an active step and therefore it is unclear what the role is of the first double stranded DNA molecule.

Claim 1 is amended herein to recite amplifying the first double stranded DNA molecule of step (e) using a DNA-dependent RNA polymerase with specificity for said promoter sequence of said first primer to produce a plurality of RNA transcripts that are complementary to the target RNA sequence. Claim 2 is amended herein to recite amplifying the second double stranded DNA molecule of step (k) using a DNA-dependent RNA polymerase with specificity for the promoter sequence of the first primer to produce a plurality of RNA transcripts complementary to the target RNA sequence. Thus, the term "employ" is no longer recited and instead the active term amplifying is recited, thereby clarifying the role of the first double stranded DNA molecule in claim 1 and the second double stranded DNA molecule in claim 2.

**B.** The Office Action states that the claims are indefinite due to the wherein clause. Specifically, the Office Action alleges that no clear nexus can be ascertained between the steps of claim 1 and the wherein clause.

Claim 1 is amended to recite a method for amplification of a target RNA sequence comprising the following steps: (a) annealing a first primer to the target RNA sequence, said first primer comprising: a first hybridizing sequence, comprising 7-14 nucleotides, which is complementary to at least a first segment of the target RNA sequence; a transcription enhancing sequence that comprises a promoter sequence that is operatively associated with the first hybridizing sequence; and a first oligonucleotide anchor that binds to a second segment of the target RNA sequence, wherein the transcription enhancing sequence forms a loop between the first oligonucleotide anchor and the first hybridizing sequence upon annealing of said first primer to the target RNA sequence; (b) extending said first primer in a reaction catalyzed by a DNA polymerase, forming a first RNA/cDNA hybrid nucleic acid molecule; (c) removing the target RNA sequence of the first RNA/cDNA hybrid nucleic acid molecule to obtain a first single stranded cDNA sequence; (d) annealing a second primer to the first single stranded cDNA sequence, said second primer comprising an amplification enhancing sequence having no promoter sequence and a second hybridizing sequence which is complementary to a first segment of the first single stranded cDNA sequence; (e) extending said second primer in a reaction catalyzed by a DNA polymerase to form a first double stranded DNA molecule; and (f) amplifying the first double stranded DNA molecule of step (e) using a DNA-dependent RNA polymerase with specificity for said promoter sequence of said first primer to produce a plurality of RNA transcripts that are complementary to the target RNA sequence. Support for these amendments can be found in the language of the original claims and in the specification, for example, at least, in claim 1; and on page 6, lines 7-9 and lines 16-18; and on page 12, line 26, through page 13, line 2.

Thus, applicants have amended claim 1 to remove the wherein clause. The recitations of the wherein clause are now found in step (a) or step (d) of claim 1 or in new claim 39.

Accordingly, applicants submit that claims 1-20 and 34-38 are now clarified and respectfully request that the rejections under 35 U.S.C. 112, paragraph 2 be withdrawn.

## II. New claims 39-42

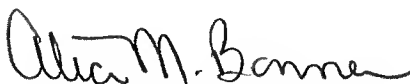
New claim 39 recites the method of claim 1, wherein the second primer further comprises: a second oligonucleotide anchor that binds to a second segment of the first single stranded cDNA; and said second hybridizing sequence comprising 7-14 nucleotides which are complementary to a first segment of the first single stranded cDNA sequence, further wherein the amplification enhancing sequence forms a loop between the second oligonucleotide anchor and the second hybridizing sequence upon annealing of said second primer to the first single stranded cDNA sequence. New claim 40 recites that the first oligonucleotide anchor comprises 9-14 nucleotides and new claim 41 recites that the second oligonucleotide anchor comprises 9-14 nucleotides. Support for these new claims can be found in the language of the original claims and throughout the specification, for example, at least, in claim 1 and claim 7; and on page 12, line 32, through page 13, line 2.

New claims 39-41 are believed to be free of the rejection cited above for pending claims 1-20-34-34 for the reasons articulated herein in support of these pending claims. Thus, entry and allowance of these new claims are respectfully requested.

Having addressed all of the issues raised in the present Office Action, applicants believe the present application to be in condition for allowance, which action is respectfully requested. The Examiner is encouraged to contact the undersigned directly, if such contact will expedite the examination of the pending claims and their allowance to issue.

No fee is believed due with this response. However, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account no. 50-0200

Respectfully submitted,



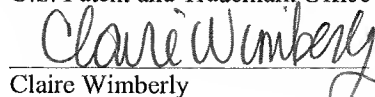
Alice M. Bonnen  
Registration No.: 57,154

### Customer No. 20792

Myers Bigel Sibley & Sajovec, P.A.  
P. O. Box 37428, Raleigh, NC 27627  
Telephone: (919) 854-1400  
Facsimile: (919) 854-1401

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I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on March 22, 2010.

  
Claire Wimberly